

### **REMARKS**

This Application has been carefully reviewed in light of the Office Action mailed July 27, 2007. At the time of the Office Action, Claims 1-7 and 9-49 were pending in this Application. Claims 25 and 27-40 were previously withdrawn. Claims 1-7, 9-24, 26, 41-46 and 49 are allowed. Applicants make note that previously withdrawn Claims 4, 5, 9, 12-14 and 18-22 were allowed. Claims 47 and 48 were rejected. Applicants respectfully request consideration of the remarks below and favorable action in this case.

#### **Rejections under 35 U.S.C. §103**

Claims 47 and 48 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,389,096 issued to Aita et al. ("Aita") in view of the teachings of U.S. Patent No. 5,902,289 issued to Swartz et al. ("Swartz"), U.S. Patent No. 4,682,596 issued to Bales et al. ("Bales"), and U.S. Patent No. 5,334,193 issued to Nardella ("Nardella"). In order to expedite allowance of this case, Applicants have cancelled Claims 47 and 48 without prejudice or disclaimer.

#### **Allowable Subject Matter**

Applicants appreciate Examiner's indication that Claims 1-7, 9-24, 26, 41-46 and 49 were allowed in the Office Action.

#### **Information Disclosure Statement**

Applicants enclose an Information Disclosure Statement and PTO Form 1449, with copies of the references for the Examiner's review and consideration.

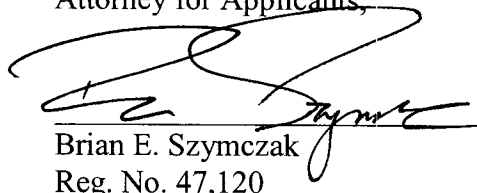
### CONCLUSION

Applicants have made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of the pending claims.

The Commissioner is hereby authorized to charge \$180 for the IDS as well as the required two-month extension fee to Deposit Account No. 50-0359 of ArthroCare Corporation. Applicants believe there are no further fees due at this time, however, the Commissioner is hereby authorized to charge any additional fees necessary or credit any overpayment to Deposit Account No. 50-0359 of ArthroCare Corporation in order to effectuate this filing.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.391.3961.

Respectfully submitted  
Attorney for Applicants,



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Reg. No. 47,120

Date: 12/21/2007

SEND CORRESPONDENCE TO:

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Enclosure: 1) Information Disclosure Statement and PTO 1449 Form